THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20458 of 2007

Between:

Gopana Subbarayudu.

.. PETITIONER

and

The Revenue Divisional officer and another.

.. RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20458 of 2007

ORDER:

It is the case of the petitioner that his late father purchased agricultural land admeasuring Ac.7-13 cents in Sy.Nos.1462/1, 1462/2 and 1462/4, out of Ac.20-26 cents through registered Sale Deed, dated 09-09-1942. It is stated that out of Ac.7-13 cents, the land admeasuring Ac.5-55 cents was acquired by the respondents for formation of new tank across vagu near Ramasamudram Village, Pullampet Mandal, Kadapa District, in the year 1985 and the 1st respondent passed an award on 30-10-1996 vide Award No.5/1995-96. On an application filed by the petitioner for re-determination of compensation under Section 18 of the Land Acquisition Act, the compensation awarded by the 1st respondent at the rate of Rs.14,000/- per acre was enhanced to Rs.40,000/- per acre by the Senior Civil Judge, Rajampet, in L.A.O.P.No.40 of 1997, dated 23-09-1998. Against the said order, the 1st respondent preferred A.S.No.3591 of 2004 before this Court and the same was dismissed on 20-09-2004. Thereafter, E.P.No.36 of 2006 was filed on 01-03-2005 and in which, the 1st respondent deposited a sum of Rs.4,53,314/- as part payment of the E.P. amount and the said amount was received by the petitioner vide Cheque Petition E.A.No.55 of 2007, dated 30-04-2007. Thereafter, one Pasupuleti Venkataramana and his wife Pasupuleti Gangadevi filed E.A.No.192 of 2007 claiming compensation and the same is pending.

While so, one Pasupuleti Venkataramana made an application before the 1st respondent stating that the land admeasuring Ac.18-26 gts. in Sy.No.1462 of Poli Village is his ancestral property and the same was purchased by his grand father from one Yerra Chengal Reddy on 02-

07-1929 and produced xerox copies of pattadar pass book issued by the Manda Revenue Officer, Rajampet, alleging that the land admeasuring Ac.9-00 cents in Sy.No.1462 stands in his name and Ac.9-23 gts. stands in the name of his wife Smt.Pasupuleti Gangadevi, and, therefore, requested to pay compensation for the said land. Basing on the said application, the 1st respondent requested the 2nd respondent to enquire into the matter and submit a detailed report, through proceedings in Ref.H.1220/2000, dated 03-05-2007. Pursuant to the said proceedings, the 2nd respondent issued Notice in Ref.No.C/579/07, dated 08-08-2007, to the petitioner and others with regard to payment of compensation for the land admeasuring Ac.11-10 cents in Sy.Nos.1462/1, 1462/2 and 1462/4, and directed to appear before him on 20-08-2007 at 11 a.m. with all the relevant records. It is stated that the enquiry has been adjourning from time to time. Therefore, the petitioner questions the letter issued by the 1st respondent, dated 03-05-2007 as well as the notice issued by the 2nd respondent on 08-08-2007.

I am of the opinion that when the enquiry with regard to the right, title and ownership of the respective parties entitling them to receive compensation is pending, it is not just and proper for the petitioner to question the order of the 1st respondent, dated 03-05-2007 as well as the notice issued by the 2nd respondent, dated 08-08-2007, more so, without impleading the claimant, on whose application, the enquiry has been initiated. Therefore, the writ petition is misconceived and not maintainable and, as such, the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

28-09-2007

Prv